IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

C.W.P.No.330 of 2007
Date of Decision: 11.1.2007

M/s Zordor Industries

....petitioner through
Vijay Rana,Advocate

Versus

Punjab State Electricity Board and others

...Respondents

CORAM : HON'BLE MR.JUSTICE VIJENDER JAIN,
CHIEF JUSTICE.
HON'BLE MR.JUSTICE RAJIVE BHALLA

1. Whether Reporters of Local Newspapers may be allowed to see the judgement ?
2. To be referred to the Reporters or not ?
3. Whether the judgement should be reported in the Digest ?

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Prayer in this petition is, for issuance of a writ in the nature of Mandamus, directing respondent no.2, to consider the tender submitted by the petitioner alongwith tenders submitted by other firms.

As per the notice inviting tenders, the tenders were required to be filed by 11.30 hours on 12.10.2006. Thereafter, tenders were to be opened at 3.00 PM on 12.10.2006. The petitioner, admittedly, filed its tender at 11.40 AM i.e. 10 minutes late. The respondents, therefore, declined to entertain the petitioner's tender. The petitioner, thereafter,

addressed letters to the Chief Engineer and the Chairman of the Punjab State Electricity Board, Patiala, pleading therein that as it had filed the tender between the time fixed for receipt of the tenders and time for opening thereof, its tender be considered. Vide order dated 7.12.2006, this request was declined. The petitioner, thereafter, addressed another letter to the Chairman of the Punjab State Electricity Board, requesting for the grant of same relief.

Counsel for the petitioner contends that as the petitioner filed the tender before the time fixed for their opening i.e. before 3.00 PM, the respondents were duty bound to consider the tenders. It is further urged that as per regulation 16, tenders filed after the time fixed for opening of tenders are classified “late tenders” and as the petitioner filed its tender before 3.00 PM, the present writ petition be accepted and the respondents be directed, to consider the petitioner's tenders, alongwith other tenders received by them.

A perusal of the notice inviting tenders, reveals that tenders were required to be filed by 11.30 AM. Admittedly, the petitioner filed its tender at 11.40 AM i.e. after the time fixed for filing of tenders. Acceptance of the petitioner's plea that the delay be condoned, as the tenders had been filed before the time fixed for opening of the tenders would in essence entail an alteration in the terms and conditions of the notice inviting tenders. Such a prayer cannot be granted in writ jurisdiction.

Another contention, namely; that regulation 16 of the Purchase Regulations, framed by the Punjab State Electricity Board, defines late tenders as “tenders received after the due date and time fixed for opening of the tenders”, does not enure to the petitioner's benefit. Regulation 16

applies to tenders filed after due date and after the time fixed for opening of tenders. The situation in the present case is entirely different. A specific time i.e. 11.30 AM was fixed for filing of tenders. Any alteration thereof would render these conditions meaningless. Consequently, the order dated 7.12.2006, rejecting the petitioner's prayer of consideration of its tenders, does not suffer from any infirmity. Dismissed.

( VIJENDER JAIN )
CHIEF JUSTICE

11.1.2007
GS

( RAJIVE BHALLA )
JUDGE